UNITED
NATIONS

CCPR

International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/SR.1711
29 October 1998

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

Sixty-fourth session

SUMMARY RECORD OF THE 1711th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 26 October 1998, at 3 p.m.

Chairperson: Ms. CHANET

later: Mr. EL SHAFEI
(Vice-Chairperson)

later: Ms. CHANET

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Initial report of Armenia (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.98-19121 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Initial report of Armenia (CCPR/C/92/Add.2, CCPR/C/64/Q/ARM/1) (continued)

1. At the invitation of the Chairperson, Mr. Melik-Shahnazarian, Mr. Nazarian, Ms. Gevorgian and Ms. Dedeyan (Armenia) took places at the Committee table.

2. The CHAIRPERSON invited the Armenian delegation to continue to reply to supplementary questions raised by Committee members at the previous meeting.

3. Mr. MELIK-SHAHNAZARIAN (Armenia), referring to questions asked by Mr. Wieruszewski, said that a state of emergency had been proclaimed in 1991 in connection with events in Nagorny Karabakh. At that time, Armenia had not yet acceded to independence and the state of emergency had been supervised by Soviet troops. No state of emergency had been proclaimed in connection with the general election held in 1996.

4. As to the question of freedom of conscience and religion, although Armenia had been the first country in the world to embrace Christianity as the State religion, its attitude to all other religions was extremely tolerant. Besides the Armenian Apostolic Church, there were 14 registered religious organizations in Armenia, including several sects which had become active since independence. The presence and activities of those sects frankly created a problem for the Government, since any attempt to curb them was liable to be complained of as undemocratic. About a tenth of the population had joined various sects in the hope of receiving handouts in one form or another. The difference between registered and non-registered religions was that the former were recognized as legal entities and, as such, could own property; they were also authorized to profess their faith, whereas non-registered religions, which included Jehovah's Witnesses and Muslims, were not allowed to proselytize.

5. Regarding the question about cooperation with Amnesty International, his Government wanted to cooperate with all international entities and organizations and welcomed all reports and comments that might help it to analyse and improve the difficult situation in Armenia. It should be borne in mind that Armenia had been independent for only seven years and had not yet had time to iron out all inconsistencies between its Basic Law and the Covenant and other international instruments. All comments made in that respect would be brought to the attention of the authorities.

6. On the question about measures against law enforcement officers who overstepped their powers, in Armenia, as in all newly democratic countries, there were many cases of minor - and sometimes not so minor - violations of the law by the police. All such incidents were widely publicized in the press and were dealt with as promptly as possible. The fact that over the past two years 750 Ministry of the Interior staff had been dismissed from their posts, without the right to reinstatement, was indicative of the extent of public control in that area.

7. As for the powers of judges, in the past, when judges had still been appointed by the Government, the decision on how long a detained person could be kept in custody had been left to the Procurator. As from 1999, judges would be elected to their posts and would then be responsible for such decisions. The bill on the election of judges provided for the establishment of a commission to screen all candidacies in the light of communications from members of the public, the object being to ensure maximum transparency. The reason why judges were not going to be elected for life but only for a period of six years was to weed out the less efficient, and perhaps less honest, judges. In a country where the average salary did not exceed US$ 10 a month, complete honesty was difficult to ensure, human nature being what it was.

8. Replying to a question about the right to defence counsel of persons held incommunicado, he said that everyone was entitled to defence counsel from the moment he or she was detained, taken into custody or charged. Lately, the number of complaints in that regard had fallen sharply, doubtless as a result of extensive publicity in the media.

9. A question had been asked about brutality in the armed forces. A body known as the Committee of Soldiers' Mothers was doing very valuable work in that regard. Its representatives, who maintained good relations with the Ministry of Defence, could visit military barracks and investigate any case of brutality as soon as it was rumoured. Copies of the Mothers' Committee's reports were sent to the new Human Rights Commission, the Ministry and the mass media. In a recent widely publicized case, two army sergeants found guilty of violating the human rights of their subordinates had been punished by the Minister of Defence. The activities of the Mothers' Committee further underlined the usefulness of appointing a specialized ombudsman in different human rights areas.

10. Mr. Zakhia had rightly drawn attention to certain shortcomings in laws at present in force in Armenia. He entirely agreed with those comments, and expressed the hope that the legal reform to be completed by the end of the year would bring substantial improvements. It should be noted in that connection that the President of Armenia had, of his own accord, proposed a review of his powers under the Constitution, believing that the existing provisions were weighted too heavily in favour of the Presidency.

11. The most serious problems facing Armenia at present were, unquestionably, the consequences of the disastrous earthquake of 1991 and the problem of refugees from Azerbaijan and Nagorny Karabakh. As a result of pogroms, massacres and ethnic cleansing, around 260,000 people had fled to Armenia. Under the conditions of transition from a planned to a market economy, the Government could not provide them all with housing or jobs. While Armenian citizens of Azeri origin who had chosen to emigrate from Armenia had been allowed to sell their homes and take their property with them, Armenians fleeing from Azerbaijan had been obliged to leave everything behind. Many of them were in possession of documents issued by Azerbaijan authorities certifying their losses. Recovery of those sums would greatly help in resettling the refugees.

12. Progress in the matter of the naturalization of refugees was rather slow, many of the refugees being afraid of losing their entitlement to

humanitarian aid. Refugees from Azerbaijan itself, who were never going to return to their homes, were on the whole more willing to become Armenian citizens, but the more than 100,000 Armenians who had fled from the northern part of Nagorny Karabakh still hoped to return and were reluctant to risk having to obtain a visa for their home country. It was hoped that the problem would eventually be resolved with the help of the Minsk Group, President Aliyev of Azerbaijan himself having recognized that it could only be settled by peaceful political means.

13. The problem of prostitution had not assumed serious proportions, although the influence of western values had proved unfortunate in that respect. Prostitutes' clients were the subject of moral condemnation, but brothel keepers and pimps were punished by law. As for the status of women in general, "Shamiram", Armenia's most influential women's organization, was now the third largest party in Parliament. Admittedly, in the past there had been about 100 women deputies in the Supreme Soviet of the Armenian Republic, whereas now there were only 12 women deputies in the National Assembly. The reason was simply that previously the elections had been manipulated from above. Women accounted for the majority of university students in Armenia and for 42 per cent of the country's diplomatic corps, and were represented in most other ministries and departments. However, under conditions of severe unemployment women were undeniably in a more vulnerable position than men. Moreover, many Armenian men wanted their wives to stay at home and look after the house and the children. Generally speaking, such discrimination against women as existed in Armenia could be said to be due to objective causes and did not call for special legislative measures.

14. In replying to Mr. Klein's question about Nagorny Karabakh he felt obliged to provide a brief historical review. Nagorny Karabakh, under the name of Artsakh, had been a province of the sovereign State of Armenia since the sixth century B.C. In the fourteenth century A.D. both Armenia and Nagorny Karabakh had been absorbed into Persia, but had retained their de facto independence under the government of local princes. At the beginning of the eighteenth century, at the request of its own princes, Nagorny Karabakh had been incorporated in the Russian empire. Armenia's incorporation had followed later. The two territories, although administratively separate, had been placed in adjoining provinces.

15. After the October revolution of 1917, Transcaucasia had seen the emergence of three independent States, Georgia, Azerbaijan and Armenia. All three had been Sovietized by the Red Army, but Armenia had rebelled and had got rid of the Communists. The Red Army's continuing takeover of Transcaucasia had encouraged Azerbaijan to claim Nagorny Karabakh as part of its territory. In that connection, it should be noted that Azerbaijan's application for membership of the League of Nations had been rejected precisely on the grounds of that claim. In 1920, Nagorny Karabakh had been transferred to the Soviet Republic of Azerbaijan by an arbitrary decision of an unconstitutional party organ. The Armenians of Nagorny Karabakh had never accepted that decision, and several successive uprisings and conflicts on national grounds had been harshly put down by the Soviet army. From the point of view of international law, it was important to note that the inhabitants of Nagorny Karabakh had never tacitly consented to the territory's annexation, so that a fait accompli could not be said to exist.

16. Following the start of perestroika, the Autonomous Region of Nagorny Karabakh had applied to the Supreme Soviets of the Azerbaijan and Armenian Soviet Socialist Republics to be transferred from the SSR of Azerbaijan to the Armenian SSR. A crisis had then arisen as a result of an inconsistency in the Soviet Constitution, which had proclaimed the right of self-determination including secession yet stipulated that an Autonomous Republic could not secede without the consent of the Soviet of the Republic to which it belonged. The armed forces of Azerbaijan had moved in and occupied 52 per cent of the territory of Nagorny Karabakh, pursuing a policy of ethnic cleansing with the help of Russian troops. The people of Nagorny Karabakh had taken up arms in self-defence and their armed forces had occupied a portion of Azerbaijani territory to serve as a buffer zone. United Nations Security Council resolution 853 (1993) urged the authorities of Nagorny Karabakh to withdraw from that piece of territory but it did not speak of aggression by Armenia or of the withdrawal of Armenian forces. Armenia was simply urged to "exert its influence" on the Nagorny Karabakh authorities.

17. The situation in the region was further complicated by the existence in Nagorny Karabakh from 1923 to 1930 of an entity known as "Red Kurdistan", which had subsequently been dissolved and incorporated into Azerbaijan. As a result, the six-kilometre strip linking Nagorny Karabakh with Armenia had been wiped off the map.

18. The establishment of the Republic of Nagorny Karabakh was irreproachable from the point of view of international law. Alongside the ethnic Armenians, the population included representatives of 11 nationalities, which had their own associations, cultural activities and schools providing instruction in their national languages. The Kurds, both in Nagorny Karabakh and Armenia, enjoyed more extensive rights than anywhere else in the world: they had their own newspaper and television channel, representatives in Parliament, and so on. As a trilateral ceasefire agreement had been concluded between Armenia, Nagorny Karabakh and Azerbaijan in 1994 and was still in force, the authorities of Nagorny Karabakh should be in a position to submit their own report on the situation of national minorities. The only negative aspect concerned the fate of the Azerbaijanis who had fled from Nagorny Karabakh for fear of reprisals following the anti-Armenian pogroms in Sumgait, a city in Azerbaijan. Azerbaijanis had fled from Nagorny Karabakh just as Armenians had fled from Azerbaijan. The entire issue of their human rights could only be properly addressed when the conflict was resolved and the refugees returned home.

19. Mr. El Shafei took the Chair.

20. Mr. MELIK-SHAHNAZARIAN (Armenia), referring to the inconsistency noted by the Committee between article 12 of the Covenant and article 22 of the Armenian Constitution, said that the process of legislative reform had not yet been completed. Experts from France had assisted in the drafting of some constitutional provisions, but it would take time to harmonize all legislation with the standards of international law. Armenia had enlisted the services of international organizations and experts and had organized seminars for local staff. In some cases, however, Armenian specialists were somewhat offended by

the attitudes of visiting experts who treated them as though they were at a primitive stage of development. Encounters with experts of Armenian origin had, of course, proved more productive.

21. On the question of the right of individuals who had left Armenia to return to the country, the relevant provision in the Constitution was unclear since it referred to "every citizen". That could be taken to mean the citizens of any country, hence anybody resident in Armenia, including foreigners. However, he noted the inconsistency with article 12 of the Covenant. Although the rights of citizens of foreign countries were somewhat more restricted than those of Armenian citizens, they enjoyed, in addition to customary rights, those associated with a free-market economy, such as the right to buy companies. Armenia had also begun to host a large number of refugees from Africa, the Far East and other parts of the world.

22. With regard to the allegations concerning the rape of prostitutes, as far as he knew no such cases had been brought to the attention of the law enforcement authorities. However, if there was any truth in the reports, action must certainly be taken to punish the perpetrators. He would look into the matter and report back to the Committee.

23. Armenia was actively seeking to promote awareness of human rights among the general public, law enforcement officers, civil servants and others. It had concluded an agreement with the former United Nations Centre for Human Rights which had resulted in the publication of information booklets on human rights in Russian, which was understood by 90 per cent of the population, and the organization of seminars. A collection of human rights instruments had subsequently been published in Armenian. Armenia had also begun to publish its reports to various human rights treaty bodies, together with the observations and recommendations of the bodies concerned. Non-governmental organizations and other interested parties were invited to submit information and comments with a view to assisting in the preparation of reports. He was confident that the next report to the Human Rights Committee would be of higher quality as a result of the ongoing process of judicial and legislative reform. The Department of International Organizations and Human Rights Affairs at the Ministry of Foreign Affairs had held seminars involving representatives of international organizations, lawyers, public officials and teachers. A textbook for human rights teaching in schools had also been produced.

24. None of the death sentences passed since 1991 had been carried out. The President of the Republic had commuted the death sentence in two cases. Further details about those cases would be supplied in writing. The draft Criminal Code being discussed in the National Assembly provided for the abolition of the death penalty and would also automatically abolish previously issued death sentences. One expert, referring to paragraph 107 of the report (CCPR/C/92/Add.2), had inquired about the legal, financial and technical preconditions needed for abolition of the death penalty. The legal precondition was the new Criminal Code and the financial and technical preconditions related to the extra capacity that would be required to keep prisoners in custody for life.

25. He agreed with the Committee that decisions on the duration of pre-trial detention should be taken by judges rather than prosecutors. As mentioned in paragraph 146, account was taken of the accused person's character, occupation, state of health and criminal record. There had recently been several cases of early release to obtain medical treatment. The Commission on Women was responsible for dealing with issues of violence against women and protection against rape, also within the family. He would try to obtain statistics concerning sexual harassment of women in employment.

26. Unfortunately, there was as yet no provision in Armenia for alternative service and individuals who refused military service could be prosecuted. However, proposals for a constitutional amendment to provide for alternative service had been tabled.

27. Freedom of assembly, freedom of information and freedom of the press were guaranteed in Armenia. In fact, some deputies in the National Assembly found the press overcritical. There was no ban on publishing material concerning State secrets. Since the establishment of the Commission on Human Rights, complaints of human rights violations had been addressed in a more orderly and satisfactory way.

28. In recent years, Armenia had received letters from the Committee against Torture requesting clarification of reports by Amnesty International and other bodies of instances of torture or ill-treatment. The Government had cooperated fully with the Committee, providing detailed information on all cases and describing the action taken by the authorities. Detainees wishing to complain about ill-treatment could get in touch with NGOs, particularly the International Committee of the Red Cross, whose representatives were allowed access to prisons, on request, at any time of the day or night. Detainees were fully informed through their lawyers of the situation regarding preliminary inquiries and judicial proceedings. He had no figures for the number of persons detained on suspicion of a crime, but he would provide the Committee with the relevant information in writing. Under Armenian law, there was no question of taking a person into custody without opening an investigation and bringing charges.

29. He acknowledged that conditions of detention failed to meet international standards. One group of experts had recommended that the equivalent of US$ 10 per person per day should be spent on food for prisoners, but that sum corresponded to the average wage. However, efforts were being made to improve the situation and further details would be provided in writing, particularly regarding health conditions in places of detention. With regard to the difference in regime between corrective labour colonies and prisons, all prisoners in labour colonies had the opportunity to work, which made life easier. Six amnesties had been declared in recent years and 5,000 prisoners had been released. The fact that women were held in separate prisons meant that they were less likely to suffer violence at the hands of warders. The regime for women was also significantly more lenient.

30. In the matter of entitlement to Armenian citizenship, after the adoption of the Declaration of Independence all persons living in Armenia, regardless of ethnic origin, were considered to be Armenian citizens. Conversely, persons of Armenian origin living outside the country, for instance in the

former Soviet Union, could have their passports revalidated as Armenian. Special provision had been made under the Constitution for victims of the "ethnocide" and genocide in Azerbaijan who were now scattered. A new simplified regime had been established under which they were granted Armenian passports, right of entry to the country, right of residence and the right to own property, while at the same time retaining their previous citizenship.

31. In response to the question of how far Armenia complied with norms and standards fixed under international agreements, he said all possible steps would be taken to ensure such compliance. A commission on constitutional reform was currently working to ensure that the issue of social security, as well as the issue of the right of individual citizens to bring complaints to the Constitutional Court, were clarified. As to the mechanisms for victims of torture to seek redress, he again wished to emphasize the importance of the role played by the press in exposing abuses.

32. With reference to the questions in paragraph 10 of the list of issues (CCPR/C/64/Q/ARM/1), under article 68 of the Family Code parents could be deprived of parental rights if they were alcoholics or drug addicts, or inflicted cruel treatment on their children. Deprivation of parental rights could be ordered only by a court. A child could be placed in care if it was deemed to be against the child's best interests to remain at home. In addition, a parent could be evicted from the family home if he or she had behaved in a fashion detrimental to the child's welfare, and the child's own opinion would be taken into account if it was over 12 years of age. The right of the child to protection against the harmful effects of criminal activities, prostitution and gambling was also guaranteed by the State.

33. Regarding the questions in paragraph 11 of the list of issues, the OSCE experts monitoring the presidential election in 1996 had expressed the view that there had been no serious breaches of the election law. A special commission was currently studying the Universal Electoral Code, and was expected to complete its work shortly.

34. Armenia was also trying to solve the problem of the representation of national minorities by according them a fixed quota of representatives in Parliament, although it was argued in some quarters that such a system was unfair and that such persons should stand for election on the same basis as other candidates. Members of minorities did not normally suffer from discrimination in terms of employment, since they were able to speak Armenian fluently. The situation was often difficult for refugees owing to the language barrier, but over the past few years great efforts had been made to educate them in speaking, reading and writing Armenian. A union of minorities, the Union of Nationalities of Armenia, had been established, in which 14 minorities, including Greeks, Georgians, Kurds and Ukrainians, were represented by their own associations.

35. As to the use of the Russian language, he would point out that Russian was traditionally used throughout the education system. There were Russian-language primary and secondary schools, and a Russian-language university had recently been set up, with both Armenian and Russian teaching staff. It was a very positive development, for in the first year of independence there had been considerable anti-Russian feeling. An

English-language university had also been established recently. Private universities were now offering facilities for study in a number of minority languages, although the majority of students preferred to study in English or Russian to gain easier access to the international labour market. In reply to the question on the situation in the Republic of Nagorny Karabakh, he would be glad to provide the Committee with supplementary information at a later stage. Minority communities in that Republic also had their associations, which worked closely with associations in Armenia to preserve their own language and culture.

36. As for the questions raised under paragraph 13, copies of the Covenant in both Russian and Armenian had been distributed to NGOs, schools and universities. He expressed his gratitude to the NGOs that had helped to organize the seminars on the subject attended by international experts, and also to UNICEF for its help in circulating in schools information on the rights recognized in the Covenant.

37. Lastly, in future all Armenia's periodic reports, together with the Committee's comments and recommendations on them, would be publicized. Those comments and recommendations would be of great value to Armenia in the preparation of its next report.

38. Ms. Chanet resumed the Chair.

39. Mr. YALDEN associated himself with the questions posed earlier by Mr. Wieruszewski and Ms. Gaetan de Pombo concerning the role of independent national human rights agencies. The delegate had stated that a number of such agencies existed in the capital, but had not made clear what their powers were, what their jurisdiction was, how independent they were of the Government, what results they had achieved in responding to complaints, or what progress was being made in establishing an ombudsman. He would appreciate further information.

40. On the subject of women's rights, paragraphs 50 to 78 of the report provided a great deal of information, and showed refreshing candour in admitting that problems did exist. The delegate had referred several times to the fact that 52 per cent of students were women, but had not mentioned the fact that in the cities 60 per cent of women were unemployed, which was an extraordinarily high figure. As to the number of women in public life, the figures quoted in paragraph 59 of the report indicated that between 1985 and 1995 the number of women members of Parliament had dropped from 121 to 12, which seemed surprising. The record revealed in the report was not a good one, and the argument that in troubled times there was a certain natural resistance to employing women was difficult for the Committee to accept.

41. Reports from NGOs indicated that homosexual contact between consenting adults was still a crime punishable by up to five years' imprisonment. He did not see how such discrimination could be consistent either with the Covenant or with article 15 of the Armenian Constitution.

42. On the subject of freedom of religion and belief, Mr. Scheinin's and Mr. Klein's questions about conscientious objection and compulsory military service did not seem to have received satisfactory answers. Reportedly, a

number of conscientious objectors were in jail, and certain minority sects, notably the Jehovah's Witnesses, suffered from discrimination. It had been stated that there were certain advantages for a "registered" religion, such as the right to own property. On the other hand, "unregistered" religions were banned from all forms of proselytizing, including issuing publications, which meant that they were unable to make their views known. How was that compatible with article 18 of the Covenant?

43. Although it had been suggested that there were no difficulties in regard to the treatment of minorities, reports had been received of complaints by Yezidis of discrimination on the part of the police and the local authorities. It seemed that very little money was being spent on minority language education.

44. Lastly, under article 15 of the Armenian Constitution all "citizens" were entitled to enjoy the rights and freedoms that the Constitution determined, whereas the Covenant spoke of rights enjoyed by "individuals" or "persons". What was the situation regarding the constitutional rights of foreigners who were long-term residents of Armenia?

45. Lord COLVILLE said he was sure the delegation now understood that the Committee was more interested in how rights under the Covenant were applied in practice than in norms or legislation intended to preserve them. He hoped that in Armenia's next report more details would be given of the actual situation. A great many changes had no doubt taken place in Armenia since the submission of the report in July 1997, so that considerable updating was needed. That could have been provided by a supplementary document submitted nearer the time the report was to be considered.

46. The delegate had emphasized repeatedly that the role of the press in publicizing rights under the Covenant and criticizing violations was of crucial importance. However, under the 1991 Press Act, all newspapers and periodicals had to be registered, which could only imply that the Government had powers to ban them if necessary. He would like to know whether that Act was still in force. In addition, two government institutions held the monopoly on printing, publishing and distribution, and were thus in a position to put out of business competitors of whom they disapproved. What was being done to ease the stranglehold of government monopoly and to ensure true freedom of the press?

47. On the question of education in minority languages, he noted that at the time the core report (HRI/CORE/1/Add.57) had been issued there had been 85,000 Azeris, 51,000 Russians and some 51,000 Kurds and Yezidis in the country. Were schools teaching in minority languages officially recognized, and what system was in place to ensure that they provided education of a standard high enough to ensure that minority cultures could be preserved?

48. Mr. WIERUSZEWSKI said the right to freedom of expression, set out in article 19 of the Covenant, was of great importance in connection with the holding of elections. It had been reported that at the time of the last election the media had been used as a tool of the Government and that discussion of certain issues had been officially prohibited. What action was planned to change that situation?

49. Mr. ANDO said it had been admitted that efforts to privatize the economy had had an impact on the participation of trade unions, and also that there was antipathy towards the legacy of the Soviet regime. He wondered how that situation had affected the status of trade unions in Armenia. Concerning the right to strike, paragraph 225 of the report described draft legislation under which certain trade unions would have the right to apply directly to the President in defence of their lawful rights and interests. Was that the only recourse available, or were there other preliminaries to the exercise of the right to strike, such as judicial action or other specific measures?

50. Ms. EVATT asked whether it was true that a women's newspaper had been closed down by the Government in 1995. She endorsed Mr. Yalden's questions about the rights of women. Despite a high level of education, they had a very high unemployment rate, were concentrated in lower-paid jobs and occupied few managerial positions or high-level posts in government. Restrictive laws limited their employment opportunities. Though women had equal rights to own land, it appeared from the report that they had received very little of the land distributed under the privatization programme. Discriminatory conditions appeared to be contributing to their level of poverty.

51. What was being done to protect the rights of the growing number of street children who were open to exploitation of many kinds, including child labour? What was the explanation for the difference in the marriageable ages of 18 for men and 17 for women? During the discussion of the Armenian report to the Committee on the Elimination of Discrimination against Women (CEDAW), the delegation had informed the Committee that abortion was a principal means of contraception, because contraceptive devices were not readily available. It was a factor that affected women's health and their lives and she would like to know what was being done to ensure proper access to contraceptive devices.

52. Lastly, it was gratifying to hear there was a new Electoral Code and she would like to know whether it made sure there was fair television coverage of opposition parties.

53. Mr. MELIK-SHAHNAZARIAN (Armenia), replying to Mr. Yalden's question about agencies working in the human rights field, said that NGOs had not at first been well received by the authorities, but gradually they had been seen to be doing useful and effective work and their role had taken on greater importance. Governmental agencies included the Centre for Human Rights and Democracy, a pilot body bringing together several organizations, and a parliamentary commission on human rights. It had been concluded, however, that an independent human rights body was needed, and in cooperation with the Organization for Security and Cooperation in Europe, a project was being elaborated for the organization and financing of an ombudsman. Pending the implementation of that project, in March 1998 it had been decided to set up a human rights institution that would also be responsible for coordination with NGOs and would be headed by a human rights defender well known in the Soviet era.

54. The statistics showing a radical decline in political representation of women were indeed correct, but the number of women in Parliament under the Soviet regime had reflected an artificial situation. There were now

only 12 women, out of a total of 131 representatives, and that was obviously not enough. The upheavals preceding the creation of the Republic of Armenia and the country's day-to-day economic difficulties explained why men had taken most of the seats in Parliament, but he was sure that situation would be rectified at the next elections. A women's organization created about a month before the latest elections had won enough seats to rank third in representation in Parliament, and there was every likelihood that it would do even better next time. Most NGOs in Armenia were headed by women, and women were among their most active members.

55. Regarding the article in the Criminal Code on certain sexual minorities, he said that when the Soviet Code had been adapted for the Armenian people, that article had been deleted. There were no restrictions on or sanctions in the new Code. Recently in the Netherlands, a group of 600 economic refugees from Armenia had declared that they were homosexuals in the hope of obtaining residence permits on the pretext that they belonged to sexual minorities. All but six had been returned to Armenia, but no action of any kind had been taken against them.

56. Attempts were made to find people who tried to evade military service by joining a sect, not because they had joined the sect, but because they were required to do their military service. There were as yet no alternatives to military service, but the commission on constitutional reform was already looking into requests for the creation of such alternatives, which would serve the country's interests by stemming the exodus of young people.

57. Abuses could occur in any new independent country in the coverage given by the electronic media, but in Armenia they were minimal. The State television station had now been joined by four or five private stations. Armenia had a great many radio stations, and broadcasts from France and Russia could also be heard. Certain candidates had complained about insufficient airtime during the recent electoral campaign. The central electoral committee had disclosed figures on the exact amount of time given to each candidate, but the comments by Committee members implied that some of the figures might have been erroneous.

58. Under the privatization programme, many enterprises had been bought by foreigners. There were laws guaranteeing the rights of investors. Some sectors of the population opposed such sales out of feelings of patriotism, but Armenia had opted for a free-market economy and privatization was part of that choice. Some trade unions deplored the process, especially when they lost to foreign investors in bidding for specific factories, for example.

59. On freedom of speech and the banning of certain newspapers, he had stated in his introductory remarks that under the previous President, there had been a serious conflict between the authorities and a political party created in Turkish Armenia in the early 1900s. The Government had made it obligatory for any political party operating in Armenia to be made up exclusively of Armenian citizens and to be funded entirely from Armenian, not foreign, sources. A newspaper serving as the mouthpiece for the political party in question had been banned and measures taken to obstruct the publication of other newspapers that expressed support for it. The new President had since declared that there would be no prisoners of conscience

nor any prohibition of political parties in Armenia. The former President had lost popular support because of the socio-economic orientation of his regime and its position on the resolution of the Nagorny Karabakh conflict. He had been forced to resign, but was still an active and respected figure in the country.

60. As to the degree of unemployment among women, elements of oriental culture in Armenia caused men to be viewed as the main providers for the family. They were therefore the main job-seekers, and the fact that women played the primary role in the family should not be seen as disparaging. The creation of more jobs would certainly iron out the differences in levels of employment between men and women. There were no legislative restrictions on women's right to work.

61. Regarding the age of marriage, 18 for men and 17 for women, he said people who wished to marry younger often went to other States of the former Soviet Union, Uzbekistan for example, where the marriageable age was 15. Armenian authorities persisted in believing that 15 was too young an age for marriage, but if that was deemed to be incompatible with women's rights, the question could be reviewed. Abortion was certainly not the primary means of family planning. If such was indicated in his country's report to CEDAW, then it was an egregious error. Similarly, the information that contraceptives, particularly condoms, were not widely available was entirely false.

62. There was no monopoly in the publication of newspapers and journals. On the contrary, a great many private printing presses had sprung up, offering good quality at reasonable prices. There were no restrictions on the registration of newspapers. More than 3,000 were registered, but unfortunately only 600 were actually, if sporadically, issued, with some 20 newspapers appearing regularly.

63. With reference to article 27 and minority rights, there were Russian, Greek and Kurdish schools, but for lack of financial resources, schools were not available for members of other ethnic or linguistic groups, whose numbers would not necessarily justify the establishment of such institutions in any case. A secondary school had recently been opened for Russian students.

64. Mr. ZAKHIA asked for clarification of a discrepancy in the report, which referred to Azerbaijanis as making up part of the population of Armenia, but did not include them in the list of national minorities given in paragraph 255.

65. Mr. MELIK-SHAHNAZARIAN (Armenia) said that as part of the Soviet policy of repression of the Armenian residents of Nagorny Karabakh, involving pogroms, disappearances and murders, some 350,000 Armenians had been forced to leave Azerbaijan in the space of a mere three days. No one had touched the Azerbaijanis living in Armenia, but an artificial exodus had been organized from Baku to give the impression that they, too, had been subjected to repression. Azerbaijan was currently engaging in anti-Armenian propaganda, depicting Armenia's citizens as aggressors, traitors, dishonest and despicable people.

66. Armenia, on the other hand, did nothing to incite its citizens against Azerbaijan. Whereas the Armenian language was never spoken in Azerbaijan, the opposite was not true. Several thousand Armenian women were married to Azerbaijani men. About 60,000 Azerbaijanis were now resident in Armenia. The historic Blue Mosque was being restored to enable them to profess their faith in the best possible conditions.

67. The CHAIRPERSON thanked the Armenian delegation for a report that, though furnished somewhat tardily - six years after the country's accession to independence - had enabled the Committee to establish a dialogue with the country. The century had not been kind to the Armenian people, beginning with genocide, followed by foreign occupation and a devastating earthquake. A substantial transition was now under way, though there were still legislative vestiges of the Soviet regime that could easily be expunged, particularly with regard to State secrets.

68. Positive elements included the abolition of the death penalty, which would become operative in 1999, the presence of a lawyer from the very start of police custody and the creation of an ombudsman. Concerns expressed by the Committee included the inconsistencies between the Constitution and the Covenant, discrimination against women, police brutality and ill-treatment in prisons.

69. Compliance with article 18 of the Covenant, which set out the non-derogable right of freedom of religion, posed a special problem inasmuch as Armenian legislation on the state of emergency expressly permitted restriction of that right. The fact that registration of newspapers was systematic raised questions about compliance with article 19 and the right to freedom of expression.

70. Those were preliminary comments, but the Armenian Government would receive more detailed written observations, which would, it was to be hoped, be taken into account in the preparation of the second periodic report, the due date for which would be transmitted to the Government together with the Committee's observations.

71. Mr. MELIK-SHAHNAZARIAN (Armenia) said the discussion would be beneficial to his country in moving towards democracy. The commission on constitutional reform would soon be making proposals on improvements to the Constitution. The Committee's observations on the lack of concordance between the Constitution and the Covenant would be extremely beneficial, and he asked for them to be provided as soon as possible. He thanked all members for their willingness to help his country by pointing out ways in which it could improve its observance of human rights. Armenia would strive, for the good of its people who had suffered so much in the twentieth century, to become fully integrated in Europe and the international community.

72. The delegation of Armenia withdrew.

The meeting rose at 6.10 p.m.